

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2581 OF 2016

1. Sayyed Alam s/o Sayyed Mohiddin,
Age: 70 years, Occ: Agri.,
R/o. Nitrud, Tq. Majalgaon,
Dist. Beed.
2. Rashidbee w/o Sayyed Aalam,
Age: 65 years, Occ: Housewife,
R/o. As above.
3. Ruksana w/o Shamad Sayyed,
Age: 30 years, Occ: Housewife,
R/o. As above. ...Applicants

versus

The State of Maharashtra,
through the Police Inspector,
Dindrud Police Station,
Tq. Majalgaon, Dist. Beed. ...Respondent

.....
Mr. S.W. Munde, Advocate for applicants
Ms. R.P. Gour, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 6th JUNE, 2016

ORAL ORDER :

Applicant Nos. 1 and 2 are husband and wife and are senior citizens. Applicant No. 3 is daughter in law of applicant Nos. 1 and 2.

2. The daughter of applicant Nos. 1 and 2 was married to son of deceased Shaikh Dastgir Shaikh Meboob. At the behest of

the present applicants, deceased Shaikh Dastgir and his son were facing trial vide Sessions Case No. 50 of 2014 pending on the file of Additional Sessions Judge, Majalgaon, for an offence punishable under Section 302 of the Indian Penal Code.

3. In the above referred background, deceased Shaikh Dastgir Shaikh Mehboob lodged the complaint alleging that the applicants and he himself are residents of same village and his grand children namely Sahil, Asma and Sonu were residing with the present applicants. Deceased Shaikh Dastgir when went to the place of applicants herein, he was encircled by the applicants and other co-accused, who are named in the first information report, and kerosene was poured on his person and he was set on fire. As such, crime in question came to be registered.

4. While trying to make out case for grant of pre-arrest bail, Mr. Munde, learned Counsel for the applicants would invite attention of this Court to the age of applicant Nos. 1 and 2 and the fact that applicant No. 3, daughter in law, is a female. In addition, he would submit that in view of past history that deceased Shaikh Dastgir and his son being accused and were tried for an offence punishable under Section 302 of the Indian Penal Code, deceased Shaikh Dastgir set himself on fire and sought to pass on blame to the

present applicants. He would then submit that eye witness to the incident supports the case of present applicants as is sought to be pleaded in the application. According to him, other accused persons are already arrested and custodial interrogation of the applicants is not necessary.

5. Learned A.P.P. opposed the application on the ground that the witnesses have supported the case of the prosecution. Learned A.P.P. would then urge that the custodial interrogation of the applicant is necessary.

6. With the assistance, I have perused the investigation papers, statement of minor witness, who happened to be grand child of the deceased Shaikh Dastgir and applicant Nos. 1 and 2, speaks about non involvement of present applicants in the crime in question.

7. Furthermore, it is to be noted that deceased Shaikh Dastgir was facing trial vide Sessions Case No. 50 of 2014 for an offence punishable under Section 302 of the Indian Penal Code, wherein he and his son was alleged to have killed the daughter of applicants herein. The said sessions trial has reached at advanced stage. In this background, false implication of the applicants cannot be ruled out, particularly in the background of statement of eye

witness referred supra.

8. In view of above, in my opinion, the applicants are entitled for grant of pre-arrest bail. Hence, the following order:-

: O R D E R :

(i) In the event of arrest, the applicants be released on bail, in connection with Crime No. 9 of 2016 registered with Dindrud Police Station, Taluka Majalgaon, District Beed, for an offence punishable under Sections 147, 149, 307, 302 of the Indian Penal Code, upon furnishing P.R. bond of Rs.25,000/- by each of them, with one surety in the like amount.

(ii) The applicants to attend the concerned police station initially on 10th, 11th and 12th June, 2016 between 10-00 a.m. and 12-00 noon and thereafter as and when called by the Investigation Officer.

(iii) Till filing of the charge sheet, the applicants shall keep themselves away from the jurisdiction of the concerned police station but for the investigation purpose,

as and when called and not to tamper with the prosecution evidence.

9. Criminal Application stands allowed in above terms.

[N.W. SAMBRE, J.]